Dear Ms. Jensen,

On behalf of our millions of members and supporters, the undersigned hunting, fishing, conservation organizations, and businesses comprising the outdoor recreation economy, appreciate the opportunity to comment on the U.S. Army Corps of Engineers’ (USACE) Agency Specific Procedures (ASP’s) to Implement the Principles, Requirements, and Guidelines for Federal Investments in Water Resources (PR&G) proposed rule contained in the Feb 15, 2024 Federal Register Docket Number, COE-2023-0005.

These comments are the result of continued deliberation between the signed groups and represent the shared positions of our organizations.

The PR&G is essential for adoption of natural infrastructure and nature-based solutions in Corps projects that will help sequester carbon, increase climate resilience, and expand habitat. To ensure the Corps increases community resilience, improves the health of the environment, redresses environmental injustices, and adopts natural infrastructure and nature-based solutions, we urge the Corps to amend the proposed ASP’s to address the comments outlined below.

1. **Overall, we support the proposed regulation and encourage the Corps to finalize them as soon as possible.** The proposed regulation provides a solid and comprehensive framework through which Corps projects and programs will be implemented in a manner consistent with the 2013 Principles and Requirements and the 2014 Interagency Guidelines. We urge you to incorporate the recommendations in this letter and finalize and promulgate these regulations as soon as possible so that the Corps planning process is consistent with the PR&G and the associated statutes.

2. **Expand the use of Nature-based solutions.** We appreciate the emphasis the ASP’s place on the identification of a non-structural and nature-based solution alternatives. In accordance with the PR&G, where natural and nature-based features or non-structural measures can effectively solve a water resources problem, they should be prioritized. The ASP’s should adopt the following planning methodology framework to assist planners in complying with Federal laws and policies that guide the corps planning and assist in emphasizing the inclusion of non-structural and nature-based solutions:

   I. The planning process should initiate with a wide open and collaborative scoping session to help identify and expand nature-based and non-structural solutions.
II. In developing alternatives, planners should first explore whether solutions that use natural features, nature-based measures, non-structural measures, or a combination of such features and measures could solve the water resources problem. In all cases, planners should strive to incorporate natural and nature-based measures and non-structural measures to the maximum extent possible.

III. Evaluate alternatives utilizing a public, collaborative and transparent process that engages key stakeholders, public, local and state agencies and academic institutions. The evaluation would be strengthened by clearly stating that fulfilling the federal objectives while meeting project purposes are key elements of the evaluation framework.

IV. Costs and benefits should only be monetized for alternatives in the final array. The emphasis initially on non-monetized analysis will help put nature-based and non-structural alternatives on an equal footing with other alternatives without the bias of an NED analysis.

3. Prioritize state and local collaboration and transparency. Our organizations appreciate the ASP’s increased focus on collaboration and transparency. To help achieve those important goals, the ASP’s should direct the Corps to establish clear, process specific touchpoints for meaningful collaborative engagement at the beginning of the study process.

The ASP’s should identify that within the first 30-days to scope a planning study, the key decision points are to be identified, and the appropriate collaboration and public engagement plan identified. Including this requirement in the ASPs will help ensure robust public engagement and agency collaboration and transparency even in the face of funding and time constraints.

4. Plan recommendation. The proposed regulation, Section 234.11 states that there can be multiple plans that maximize net public benefits. Traditionally, the Corps has identified one plan that maximizes net benefits (NED) and that plan is the basis for its recommendation as well as cost-sharing for any exception to that “NED Plan”. The recommendation section of the report should discuss the extent to which the alternatives achieve the Federal objective, maximize net public benefits, and achieve the project purposes. The ASP’s should also describe the methodology for how the recommended plan would be cost-shared if it is not a plan that maximizes net public benefits.

5. Commit to a Public Process for implementation of ASP’s. We understand the Corps still needs to develop many of the detail tools, methodology and procedures to implement the ASPs. We urge the Corps to maintain its commitment to public engagement throughout the implementation process. Once the ASP’s are finalized, we offer the following recommendations the Corps should consider in the implementation of the ASP’s:
I. Organize and assess feedback received during the proposed rule public review period and then conduct meaningful topical workshops with stakeholders, local, state and Federal agencies, and academic institutions in attendance. The purpose of the workshops would be to assist in the development of the more detailed procedures necessary to implement the ASP. This approach would better meet the Corps objectives of collaboration and transparency and provide broader perspectives to develop appropriately innovative tools and methodologies.

II. Corps-wide processes, procedures and culture should be thoroughly examined to develop an innovative and collaborative culture that embraces the utilization of existing information and local/academic knowledge and expertise.

III. Thoroughly integrate the research and science on Engineering with Nature (EWN) into the Corps culture by developing a cadre of implementation focused nature-based engineering subject matter experts including by establishing Planning and Engineering Centers of Expertise (PCX) for nature-based planning/engineering. This PCX would serve to assure all planning studies are consistently and equitably considering nature-based and non-structural solutions throughout process.

IV. Build a cadre of nature-based solutions expertise within all Corps Districts. Develop, conduct, and mandate nature-based training for all planners in the Corps.

V. Call for a review and reanalysis of completed Corps planning studies by academic institutions and other subject matter expertise to reimagine a Corps planning process that initiates with a desire to better consider and evaluate nature-based and non-structural alternatives. Use findings to modify Corps standard procedures and policies.

VI. We understand the Corps currently has a Non-Structural Committee that reports to the Chief of Planning. To fully embrace the intent of the PR&G and better consider the incorporation of non-structural alternatives the Corps should embed non-structural expertise across all PCXs similar to comment above on Nature-Based solutions.

Sincerely,

American Rivers
Audubon Society of Northern Virginia
Dr. Amy Clement, University of Miami
Coastal States Organization
Conservancy of Southwest Florida
Environmental Defense Fund
Future City Inc.
Gowanus Canal Conservancy
Hackensack Riverkeeper
Lower Raritan Watershed Partnership
Manomet
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
Riverkeeper
South Bronx Unite
SWIM Coalition
Theodore Roosevelt Conservation Partnership
Tree Fredericksburg
Virginia Conservation Network
Virginia League of Conservation Voters
Waterfront Alliance
Wetlands Watch